

As illustrated in Figure 18, yet another embodiment may also be accomplished without liner side wall 36, 38 providing a side panel 98 (of Figure 17). Instead, the side walls provide an enclosure panel 92 that has a living hinge 52 located on liner side walls 36 or 38 to rotate from a vertical position to a horizontal position for attachment to latch means 96 located along front liner wall 34 with divider panel 56 being rotated to a vertical position from its horizontal position within liner bottom 40.

Remarks

In the Drawings

37 CFR 1.83(a) Objections

The Examiner objected to the drawings pursuant to 37 CFR 1.83(a) for the reason that they fail to show certain features. Specifically, the Examiner objected because:

(1) *Front wall latch means 85* was not shown. Front wall latch means 85 is shown on Figure 10. It was mislabeled as "84". A correction has been made.

(2) In Figure 1, *side wall 38* was mis-marked as 22. A correction has been made.

(3) *Lower latch means 59* was not clearly shown in Figure 2. The Lower latch means is better seen in Figures 1 and 9. A correction has been made to the Specification to better illustrate this feature.

(4) In Figure 3, the Examiner noted some unexplained error. Applicant assumes that the lead line to *horizontal protrusion 55* was not pointing to its feature and that the *lower latch means 59* was not seen. The lead line has been changed and the Specification has been amended to better describe lower latch means 59.

37 CFR 1.84(p) (5) Objections

The Examiner further objected to the drawings pursuant to 37 CFR 1.84(p)(5) because certain reference signs were not mentioned in the description. All of the objected to references have been removed from the drawings.

The Examiner also objected to Figure 3 as being misleading. The Examiner's observation was correct and Figure 3 has been amended to illustrate side wall 38 and not side wall 36.

Figure 1 has been amended to show appropriate lead line lengths for reference 76.

In Figure 11, the objected to lead line has been amended to illustrate reference 42.

In reference to the objection to Figures 14 and 15, the Specification has been amended to better describe the invention in relation to the drawings.

Figures 19 and 20 have been amended to correct the mislabeled reference from 56 to 52 to illustrate the living hinge.

37 CFR 1.83(a) Objections

The Examiner objected to the drawings pursuant to 37 CFR 1.83(a) for failing to show every feature of the claimed invention. Applicant submits that the two living hinges as claimed in claims 14, 29, 30, and 53 are illustrated in Figures 15 and 16. The living hinges enable the divider to fold in two places to create a compartment.

The remaining 1.83(a) objections regarding the use of the phrase *enclosed storage compartment* have been resolved by claim amendment.

Applicant appreciates the Examiner's careful reading of the specification and drawings. Amendments have been made in accordance with those observations. Abiding by the Examiner's suggestion, Applicant submits herewith proposed drawing amendments. Formal corrections will be submitted after allowance by the Examiner.

In the Specification

The Examiner noted that *side wall* was incorrectly capitalized as *Side wall* throughout the description. An amendment to the specification has been made to address the problem. Applicant appreciates the Examiner's observation.

The Examiner maintains that on page 11, lines 16-19, it is unclear how pressure is applied to remove the divider panel from the locking means. Applicant submits that the procedure is adequately explained in line 19 wherein it explained that after pressure is applied, the divider panel "begins to bow and, thereby, allow divider panel 56 to be removed from the divider vertical locking means 58." Applicant submits that a reasonable person skilled in the arts would understand this to mean that the liner divider bends ("bows") sufficiently that it clears the vertical locking means and can then be placed in a horizontal position.

*In the Claims*Claims Objections- Informalities

In Claims 11 and 30, the Examiner noted superfluous words. Amendments have been made to these claims.

Claims Rejection- 35USC Section 112

The Examiner rejected Claims 1-4, 8-11, 14-17, 22-26, 28-30, 44, 46-50, and 53 for failing to distinctly claiming the subject matter which the Applicant regards as the invention. Specifically, the Examiner noted that there was insufficient antecedent basis in the claims. Amendments have been made to address the Examiner's concerns.

Double Patenting

The Examiner noted that there was a potential double patenting issue with Claims several Claims. Applicant will move forward with Claims 15, 29, 30, and 53 pending the Examiner's decision on Claims 1 and 14. Applicant has cancelled Claims 44 and 46-50.

Claims Rejection- 35 USC Section 102

The Examiner rejected Claims 1, 4, 8, 15, and 22 as being anticipated by Yudenfreund. Applicant respectfully disagrees. Yudenfreund claims a foldable insert for station wagons. Applicant's reading of Yudenfreund does not reveal any description or claim of compartmentalizing capabilities of his insert. Instead, Yudenfreund is essentially a cover for protecting the back of a station wagon, much like a traditional bed liner protects a truck bed.

Moreover, Applicant does not see where Yudenfreund describes or contemplates creating an enclosed compartment. It is logical to assume that there was not reason to do so since Yudenfreund is designed for the back of a station wagon, an already enclosed vehicle.

Applicant respectfully submits that, as claimed, his invention is not anticipated by Yudenfreund. Applicant's invention comprises a liner that can compartmentalize a truck bed and create an enclosure in a truck bed. Neither of which are described or contemplated in Yudenfreund.

The Examiner rejected Claims 1-5, 8-10, 14-17, 22-24, 28-30, and 53 as also being anticipated by Yudenfreund. Applicant noted in the Examiner's argument that Hollenbaugh, Sr. is cited. Applicant assumes that Examiner meant to state anticipation by Hollenbaugh, Sr. Clarification is requested.

Applicant respectfully disagrees with the Examiner that Hollenbaugh, Sr. anticipates his invention. Hollenbaugh, Sr. describes and claims a multi-piece box that fits into a truck bed. Hollenbaugh, Sr. actually teaches away from Applicant's invention. First, one of the problems that Applicant's invention addresses is keeping separate items for compartmentalization from being stored in the truck bed where they can fly around. His invention enables the dividers and compartments to be completely broken down and placed out of sight while still being in the truck bed for later use. The pieces are part of the liner itself, manipulated through living hinges. Hollenbaugh, Sr., on the other hand is a box that cannot be broken down and placed out of sight in the truck bed. It is always there taking up space or it must be removed from the truck bed and stored elsewhere.

A second problem that Applicant's invention addresses is loose and dangerous pieces of material in the truck bed. His line, as claimed, provides for a single piece bed liner having divider and compartmentalization properties. Hollenbaugh, Sr., on the other hand, provides for a multi-piece unit. If certain portions of that unit are not required, then they are either allowed to be loose in the back of the truck where they can act as projectiles or they must be stored elsewhere, defeating the purpose of a compartment if you need it and the pieces are not there.

Applicant respectfully submits that, as claimed, his invention is not anticipated by Hollenbaugh, Sr. Applicant's invention comprises a liner that can compartmentalize a truck bed and create an enclosure in a truck bed, all of which is done in a single piece unit.

Claim Rejection- 35 USC Section 103

The Examiner rejected Claims 11 and 25 as being unpatentable over Hollenbaugh, Sr. in view of Heft. Applicant respectfully disagrees. Applicant respectfully disagrees. As stated above, Hollenbaugh, Sr. does not address or contemplate the problems and solution of Applicant's invention. Hollenbaugh, Sr. is a multi-piece unit that cannot be broken down and placed out of sight. Further, neither Hollenbaugh, Sr. or Heft contemplate or describe the use of horizontal protrusions to accept an enclosure panel.

Applicant submits that his claims, as amended, are patentable over the prior art. Applicant respectfully requests, therefore, that the Examiner recommend allowance of the claims. If the Examiner has any questions or believes that a

telephone interview with Applicant's attorney would be beneficial in moving this case along, please do not hesitate to contact the undersigned.

Respectfully Submitted,



Robert L. Knechtel
Attorney for Applicant rain Haack

Robert L. Knechtel
1105 moraine Drive
Woodstock, IL 60098
T: 815-334-8776
F: 815-334-8871